

Application No. 09/921,107
Amendment dated October 25, 2007
Reply to Office Action of December 29, 2006

REMARKS

Applicant amended 7, 12, 19-21, 23-27, and 34 to further define Applicant's claimed invention. Support for the amendments to independent claims 7 and 19 can be found in the specification at least on page 5, line 22 through page 6, line 4. No new matter has been added.

In the Office Action of December 29, 2006, the Examiner rejected claims 7-14, 19-27 and 32-37 under 35 U.S.C. § 112, first paragraph. Applicant amended independent claims 7 and 19 to delete the language objected to by the Examiner.

The Examiner rejected claims 7-14, 19-27, and 32-37 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,163,272 to Goode et al. ("Goode"); and rejected claims 13, 14, and 27 under 35 U.S.C. § 103(a) as being unpatentable over Goode in view of U.S. Patent No. 6,178,407 to Lotvin et al.

Applicant amended independent claim 7 to recite a system with a database "including demographic information for a user of at least one of said main accounts and a user of at least one of said sub-accounts;" and a computer processor "being programmed to make available the digital media content to at least one of said main accounts and said sub-accounts based on the demographic information of the users of at least one of said main accounts and said sub-accounts." Applicant amended independent claim 19 to recite a method comprising "obtaining demographic information about the primary account holder;" "obtaining demographic information about the sub-account holder;" and "making available the digital media content to the primary account based on the demographic information of the primary account holder and to the sub-account based on the demographic information of the sub-account holder." No such system or method is taught or suggested by Goode.

Goode discloses a "personal identification number (PIN) assignment routine for assigning various types of PINs to various customers of the information distribution system." (Goode, col. 1, line 67 through col. 2, line 2). In Goode, "[u]pon a customer requesting access to the information distribution system, the access authorization routine . . . identifies the terminal which is requesting access and from the terminal identification

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performs a look-up of the access authorization level that is assigned to that terminal.” (Goode, col. 2, lines 24-29). Goode teaches that if, “during a session that is using the default services, a customer requests a non-default service, the routine will request a PIN for those non-default services, and if a valid PIN is entered, then access to those services shall be permitted.” (Goode, col. 2, lines 38-42).

The Goode system obtains an ID from a set-top terminal, obtains a PIN from a customer, and provides access to the requested services based on a PIN associated with those services. (Goode, col. 4, line 32 through col. 5, line 6). Goode does not disclose or suggest a database including demographic information for a user of at least one of said main accounts and a user of at least one of said sub-accounts, or a computer processor “programmed to make available the digital media content to at least one of said main accounts and said sub-accounts based on the demographic information of the users of at least one of said main accounts and said sub-accounts” as recited in independent claim 7. Similarly, Goode does not disclose or suggest “making available the digital media content to the primary account based on the demographic information of the primary account holder and to the sub-account based on the demographic information of the sub-account holder” as recited in independent claim 19.

Applicant respectfully disagrees with the Examiner’s contention that “Goode teaches the step of obtaining information about the sub-account holder (col. 5, lines 41-49).” (Office Action, page 5, lines 10-11). Applicant respectfully submits that Goode at col. 5, lines 40-49 teaches that “the holder of the master PIN is permitted to define certain account management parameters;” that these parameters “are generally menu-driven such that each parameter is selected from a menu and then the fields defining that parameter are filled in by the master PIN holder;” and that one of these parameters is “establishing subaccounts.” Goode does not disclose or suggest obtaining demographic information about the sub-account holder as recited in independent claim 19.

Applicant submits that independent claims 7 and 19 as amended are novel over Goode. Claims 8-14, 20-27, and 32-35 dependent from one of independent claims 7 and 19, or claims dependent therefrom, are allowable at least due to their dependency from an allowable independent claim.

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Moreover, Applicant submits that the Examiner's proposed combination of Goode and Lotvin does not result in the Applicant's claimed invention as recited in dependent claims 13, 14, and 27. It is further submitted that the rejection of claims 13, 14, and 27 under 35 U.S.C. § 103(a) over Goode in view of Lotvin is rendered moot at least because these claims depend from an allowable independent claim, or claims dependent therefrom.

Applicant submits that the Examiner's rejections of claims under 35 U.S.C. §§ 102(e) and 103(a) have been overcome.

In view of the foregoing remarks, it is respectfully submitted that the claims, as amended, are patentable. Therefore, it is requested that the Examiner reconsider the outstanding rejections in view of the preceding comments. Issuance of a timely Notice of Allowance of the claims is earnestly solicited.

To the extent any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this reply, such extension is hereby respectfully requested. If there are any fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account No. 50-1068.

Respectfully submitted,

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